

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

AKIL ENTERPRISES, INC.,	§	
Plaintiff,	§	
	§	CIVIL ACTION NO. H-07-1279
v.	§	
	§	
UNITED STATES DEPARTMENT	§	
OF AGRICULTURE,	§	
Defendant.	§	

**MEMORANDUM AND ORDER**

Plaintiff Akil Enterprises, Inc. (“Akil”) filed this lawsuit against the United States Department of Agriculture (“USDA”) challenging Defendant’s decision to disqualify Plaintiff permanently from the Federal Food Stamp Program. The Food and Nutrition Service (“FNS”), an agency within the USDA, found that Akil, doing business as Eagle Food Mart, illegally trafficked food stamps.

Defendant filed its Motion for Summary Judgment [Doc. # 15], seeking summary judgment affirming the USDA’s disqualification decision. Defendant argued that Plaintiff failed to exhaust its administrative remedies and, as a result the FNS’s decision had become final. Defendant also argued that, because Plaintiff failed to exhaust its administrative remedies, review by this Court was limited to determining whether the FNS properly applied the food stamp regulations.

Plaintiff filed its Response [Doc. # 19], conceding that Defendant's motion is well-taken and that entry of summary judgment is proper. It appearing that, as conceded by Plaintiff, the FNS properly applied the regulations governing the food stamp program, it is hereby

**ORDERED** that Defendant's Motion for Summary Judgment [Doc. # 15] is **GRANTED** and this case is **DISMISSED WITH PREJUDICE**. The Court will issue a separate Final Judgment.

SIGNED at Houston, Texas, this 8<sup>th</sup> day of **January, 2008**.



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Nancy F. Atlas  
United States District Judge